

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,                  )  
    )  
    )  
Plaintiff,                                    )  
    )  
    )  
v.    ) Case No. 4:05CR485 HEA  
    )  
    )  
JOSEPH RUSSELL,                            )  
    )  
    )  
Defendant.                                    )

**MEMORANDUM AND ORDER**

This matter is before the Court on defendant's Motion to Suppress Evidence and Statements, [Doc. No. 31]. The Court referred this matter to United States Magistrate Judge David D. Noce for a Report and Recommendation pursuant to 28 U.S.C. § 636(b).

On October 25, 2005, Judge Noce filed his recommendation that the motion be denied as moot since at the evidentiary hearing which was held on October 24, 2005, defendant advised Judge Noce that he had decided not to raise any issues by way of pretrial motions. No objections to the report and recommendation have been filed.

Based on defendant's representation to Judge Noce, the Court agrees with the Recommendation that the Motion to Suppress Evidence and Statements be denied,

as moot.

Accordingly,

**IT IS HEREBY ORDERED** that the Motion to Suppress Evidence and Statements, [Doc. No. 31], is denied as moot.

Dated this <sup>14<sup>TH</sup></sup> day of November, 2005.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE